

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.K.JAYASANKARAN NAMBIAR

TUESDAY, THE 2ND DAY OF JUNE 2015/12TH JYAISHTA, 1937

WP(C).No. 16420 of 2015 (B)

PETITIONER :

**ANITHA P.S., AGED 51 YEARS,
W/O RAJAN PN, FULL TIME LOWER GRADE HINDI TEACHER,
SREE NARAYANA DHARMA PARIPALANA YOGAM UPPER PRIMARY SCHOOL,
MALAYALAPUZHA, RESIDING AT VAISHNV,
EDANAD P.O., CHENGANNUR, ALAPPUZHA DISTRICT, PIN -689 123**

**BY ADVS.SRI.S.SUBHASH CHAND
SRI.S.JAYAKRISHNAN**

RESPONDENT(S):

- 1. STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO GOVERNMENT,
GENERAL EDUCATION (J) DEPARTMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM, PIN -695 001**
- 2. THE DIRECTOR OF PUBLIC INSTRUCTION,
THIRUVANANTHAPURAM,PIN- 695 001**
- 3. THE DISTRICT EDUCATIONAL OFFICER,
ERNAKULAM,PIN- 682 011**
- 4. THE ASSISTANT EDUCATIONAL OFFICER,
PATHANAMTHITTA- 689 645**
- 5. THE GENERAL MANAGER,
SREE NARAYANA DHARMA PARIPALANA (S.N.D.P)
YOGAM SCHOOLS,KOLLAM, PIN -691 001**

**R1 TO R4 BY GOVERNMENT PLEADER SMT. M.J.RAJASREE
R5 BY ADV. SRI.A.N.RAJAN BABU**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 02-06-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

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APPENDIX

**EXT.P1 TRUE COPY OF JUDGMENT DATED 12/09/14 IN WPC NO.23817 OF 2014
(B) OF THIS HON'BLE COURT**

**EXT.P2 TRUE COPY OF HEARING NOTICE NO. F3-77058/14/DPI DATED
24/11/2014 ISSUED BY THE 2ND RESPONDENT TO THE PETITIONER**

**EXT.P3 TRUE COPY OF NO.E. 651/2015/GF(1) DATED 26/5/15 ISSUED BY THE
5TH RESPONDENT**

EXT.P4 TRUE COPY OF THE MEDICAL TREATMENT RECORDS, (SUT HOSPITAL, PATTOM, THIRUVANANTHAPURAM AND MUTHOOT MEDICAL CENTRE, PATHANAMTHITTA)

**EXT.P5 TRUE COPY OF THE APPEAL DATED 1/6/15 SUBMITTED BY THE
PETITIONER BEFORE THE 2ND RESPONDNET**

NIL

/TRUE COPY/

P.A.TO JUDGE

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A.K.JAYASANKARAN NAMBIAR, J.

W.P.(C). No. 16420 of 2015

Dated this the 2nd day of June, 2015

JUDGMENT

The petitioner, who is working as a Full Time Lower Grade Hindi Teacher, in a School under the management of the 5th respondent, is aggrieved by Ext.P3 order of transfer, whereby she has been transferred to Udayamperoor. The contention of the petitioner in the writ petition is that, when there was an earlier order of transfer, transferring the petitioner to Kannur District, she had approached this Court after filing an appeal before the 2nd respondent. On that occasion, this Court by Ext.P1 judgment, directed the 2nd respondent to consider and pass orders on the appeal preferred by the petitioner against the transfer and directed the manager to keep in abeyance the decision to transfer the petitioner, till such time as a decision was taken in the appeal, by the 2nd respondent. It is stated that pursuant to Ext.P1 judgment, although a hearing was conducted by the 2nd respondent, no orders have been passed in the appeal till date. In the meanwhile, by Ext.P3 order, the 5th respondent has now transferred the petitioner to Udayamperoor. The petitioner has, since preferred Ext.P5 appeal before the 2nd respondent, against the transfer ordered in Ext.P3. The limited prayer of the petitioner in the writ petition is for a direction to the 2nd respondent to pass orders on Ext.P5

appeal and to keep in abeyance the transfer ordered in Ext.P3, till such time as a decision is taken by the 2nd respondent in the matter.

2. I have heard the learned counsel for the petitioner, learned counsel appearing for the 5th respondent and also the learned Government Pleader for respondents 1 to 4.

On a consideration of the facts and circumstances of the case and the submissions made across the bar, and taking note of the fact that the 2nd respondent has not passed orders in the appeal preferred by the petitioner against the previous transfer, and it is pending the said decision of the 2nd respondent in the appeal that the present transfer as evidenced by Ext.P3 has been ordered, I dispose the writ petition with a direction to the 2nd respondent to consider Ext.P5 appeal preferred by the petitioner against Ext.P3 order of transfer, within a period of two months from the date of receipt of a copy of this judgment, after hearing the petitioner and the 5th respondent. Ext.P3 order of transfer, to the extent, it applies to the petitioner shall be kept in abeyance, till such time as orders are passed by the 2nd respondent as directed and

communicated to the petitioner. I make it clear that the 2nd respondent shall adhere to the time limit as specified above for disposing the appeal. This observation is made in the light of the fact that, notwithstanding Ext.P1 judgment of this Court, the 2nd respondent has not passed orders in the previous appeal, that was directed to be disposed of by Ext.P1 judgment, till date.

Sd/-
A.K.JAYASANKARAN NAMBIAR
JUDGE

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